

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

ORDER

MELVIN SCHWARTZ,

01-CR-117-S

Defendants.

Defendant's supervised release was revoked on September 5, 2007. Defendant's appeal to the United States Court of Appeals for the Seventh Circuit was docketed on September 20, 2007. Defendant now moves retroactively for an extension of time.

Pursuant to the Rules of Appellate Procedure, Rule 4(a)(5)(A)(I), a motion for an extension of time must be filed no later than 30 days after the time for appeal expires. Defendant has not complied with this rule.

Pursuant to Rule 4(a)(5)(A)(ii), a motion for an extension of time can be filed after the 30 days where the party shows excusable neglect or good cause. When filing a motion after the thirty days the party must give notice to the other parties. Rule 4(a)(5)(B). Defendant has failed to provide this notice. Defendant's request for an extension of time will be stayed until he provides documentation that he has given notice to the United States of his request.

Schwartz v. U.S., 01-CR-117-S-01

ORDER

IT IS ORDERED that defendant's motion for an extension of time to file his appeal is STAYED until he provides the documentation described herein.

Entered this 20th day of November, 2007.

BY THE COURT:

/s/

JOHN C. SHABAZ
District Judge